

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FOX INDUSTRIES, INC.,
and CHARLES E. RICHARDSON,

Plaintiff(s),

ORDER

CV 03-5166 (TCP) (WDW)

-against-

LEONID GUROVICH, a/k/a LEO GORE,
CYNTHIA GRACEFFO, DELTA BALLS, LLC,
STR INDUSTRIES, LLC, TITON INDUSTRIES, LLC,
JOHN DOES 1-100, fictitious persons, and
XYZ CORPS. 1-100, fictitious entities,

Defendant(s).

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LEONID GUROVICH, a/k/a LEO GORE, and
STR INDUSTRIES, LLC,

Counter/Third Party Plaintiffs,

-against-

FOX INDUSTRIES and CHARLES RICHARDSON,
Counter Defendants,

and

FOX CORPORATE INVESTMENTS, LTD. and
ROBERT MANN,

Third Party Defendants.

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WALL, Magistrate Judge:

On February 14, 2006, the plaintiffs served subpoenas duces tecum on two non-parties, Great Lakes Industries and Kramer Industries, directing a response by March 15, 2006. On February 21, 2006, defense counsel Simon Schwarz sent letters to those non-parties alleging various defects in the subpoenas and directing them not to respond. They have not done so. Those letters are addressed in a Memorandum and Order entered on the date below. See Docket Entry # 293.

Although the time for the non-parties to enter objections to the subpoenas has passed (see Fed. R. Civ. P. 45), the court assumes that they interpreted Mr. Schwarz's letters as the court has - that is, as an "official" direction that they not respond, although Mr. Schwarz lacked any authority to issue such direction. Thus, the court will allow the non-parties two weeks from the date of service of this order to object or respond.

The plaintiffs shall serve a copy of this order on the non-parties upon receipt, and shall file proof of such service with the court. The plaintiffs shall also serve on the non-parties a copy of the Memorandum and Order [#293] that explains the court's rulings regarding Mr.Schwarz's letter.

Dated: Central Islip, New York
October 6, 2006

SO ORDERED:

s/s William D. Wall
WILLIAM D. WALL
United States Magistrate Judge